



1 ENERGY AND ENVIRONMENT CABINET

2 Department for Environmental Protection

3 Division of Water

4 (Repealer)

5 401 KAR 8:011. Repeal of 401 KAR 8:070, 401 KAR 8:101, 401 KAR 8:550, and 401
6 KAR 8:600.

7 RELATES TO: KRS 224.10-100, 224.10-110

8 STATUTORY AUTHORITY: KRS 224.10-100(28), 224.10-110(2)

9 NECESSITY, FUNCTION, AND CONFORMITY: KRS 224.10-100(28) and 224.10-
10 110(2) authorize the Secretary of the Cabinet to promulgate administrative regulations for the
11 regulation and control of the purification of water for public and semipublic use. These
12 administrative regulations are being repealed because the language of each administrative
13 regulation is being consolidated with other regulations in 401 KAR Chapter 8.

14 Section 1. The following administrative regulations are hereby repealed:

15 (1) 401 KAR 8:070, Public notification;

16 (2) 401 KAR 8:101, Approval Timetable for 401 KAR Chapter 8;

17 (3) 401 KAR 8:550, Radionuclides; and

18 (4) 401 KAR 8:600, Secondary standards.

401 KAR 8:011 "Repeal of 401 KAR 8:070, 401 KAR 8:101, 401 KAR 8:550, and 401 KAR 8:600" is approved for filing.

4/12/2017

Date

Charles G. Snavelly

Charles G. Snavelly, Secretary
Energy and Environment Cabinet

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on Thursday, May 25, 2017 at 6:00 p.m. Eastern Time at the Department for Environmental Protection, Training Room C, 300 Sower Boulevard, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by 5 workdays prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through May 31, 2017. Send written notification of intent to be heard at the public hearing, or written comments on the proposed administrative regulation, to the contact person.

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REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

401 KAR 8:011

Contact Person: Carole J. Catalfo
Phone: (502) 782-6914
Email: water@ky.gov (Subject Line: Chapter 5 Regulations)

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation repeals 401 KAR 8:070 Public notification, 401 KAR 8:101 Approval timetable for 401 KAR Chapter 8, 401 KAR 8:550 Radionuclides, and 401 KAR 8:600 Secondary standards.

(b) The necessity of this administrative regulation: The language from the administrative regulations being repealed is being consolidated with other regulations in 401 KAR Chapter 8. The administrative regulations are necessary pursuant to the Safe Drinking Water Act and to maintain primary authority over state implementation and enforcement of drinking water regulations.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 224.10-100(28) and 224.10-110 authorize the cabinet to adopt and enforce administrative regulations for the purification of water for public and semipublic use.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The language of the administrative regulations being repealed will be consolidated into other regulations in 401 KAR Chapter 8. This will allow streamlined regulations for ease and convenience.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This is not applicable because this is a repeal of, rather than an amendment to, an existing regulation.

(b) The necessity of the amendment to this administrative regulation: This is not applicable because this is a repeal of, rather than an amendment to, an existing regulation.

(c) How the amendment conforms to the content of the authorizing statutes: This is not applicable because this is a repeal of, rather than an amendment to, an existing regulation.

(d) How the amendment will assist in the effective administration of the statutes: This is not applicable because this is a repeal of, rather than an amendment to, an existing regulation.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The regulation applies to 491 public water systems.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: The repeal will not require any additional or different action by the regulated community.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): This repeal will not impose any new costs.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The language of the administrative regulations being repealed will be consolidated into other regulations in 401 KAR Chapter 8. This will allow streamlined regulations for ease and convenience.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: This repeal will have no impact on costs.

(b) On a continuing basis: This repeal will have no impact on costs.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: This repeal will have no impact on funding for implementation or enforcement.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: This repeal will not require an increase in fees.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This repeal does not establish fees or directly or indirectly increase fees.

(9) TIERING: Is tiering applied? (Explain why or why not) Tiering is not applied to this repealer administrative regulation.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

401 KAR 8:011

Contact Person:

Carole J. Catalfo

Phone: (502) 782-6914

Email: water@ky.gov (Subject Line: Chapter 5 Regulations)

(1) What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? This administrative regulation applies to public and semipublic water systems. Some units of state or local governments own a public water system.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 224.10-100(28) and 224.10-110.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. This repeal will not generate any revenue.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This repeal will not generate any revenue.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This repeal will not generate any revenue.

(c) How much will it cost to administer this program for the first year? No costs will be incurred from this repeal.

(d) How much will it cost to administer this program for subsequent years? No costs will be incurred.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation: The Division of Water does not anticipate any fiscal impact because this administrative regulation is a repealer.